

- REMARKS -

Claims 22-24 remain pending in the present application. Claims 1-21 and 25-33 are deleted without prejudice. No new subject matter has been added.

Double patenting

Claim 1-33 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-23 of U.S. Patent No. 7,343,082.

Claims 1-21 and 25-33 have been canceled and so this point is moot.

With respect to claims 22-24, the Applicant respectfully disagrees with the rejection. The Applicant submits that claim 22 recites "A method for performing closed-captioning of an audio source, the method comprising ... incorporating text of said recognized speech of the audio signal as closed-captioning into a visual or non-visual portion of the audio/video signal in synchronization using an animation assistant." However, contrary to the Examiner's assertion, the "close-captioning" limitation is not recited by claims 1-23 of the U.S. Patent No. 7,343,082.

The Applicant respectfully submits that the same design is not being claimed twice, and that the designs are not directed to patentably indistinct variations of the same inventive concept.

Consequently, claims 22-24 are believed patentably distinct from claims 1-23 of US Patent No. 7,343,082

Claim rejections - 35 USC 103(a)

Claims 1-8, 10-13, 19-31, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,185,538 (hereinafter "Schulz") in view of US Patent application 7,085,842 (hereinafter "Reid").

The Applicant submits that claim 22 recites "closed-captioning of an audio source" and "incorporating text of said recognized speech of the audio signal as closed-captioning into a visual or non-visual portion of the audio/video signal in synchronization using an animation assistant."

Schulz relates to a system for performing translations of foreign language audio material. The translation of foreign language audio material is provided into ASCII character sequence and is provided in a lip-synchronicity with a video source signal.

However, Schulz merely relates to a translation of audio material and does not disclose or teach "closed-captioning of an audio source". The Applicant brings to the attention of the Examiner that Schulz discloses a system for performing subtitling of audio signal in a foreign language which differs from "closed-captioning" which is a text display of the "recognized speech of the audio signal" in the same language. Therefore, Schulz does not suggest "incorporating text of said recognized speech of the audio signal as closed-captioning into a visual or non-visual portion of the audio/video signal in synchronization."

Reid describes a system for adding time codes to audio data units to synchronize the audio data units with corresponding video frames. However, Reid does not disclose or teach a system to perform "closed-captioning of an audio source". Reid merely synchronizes audio and video when sounds come simultaneously from different audio sources using time codes (see col. 7 lines 40-58). Consequently, Reid cannot suggest "incorporating text of said recognized speech of the audio signal as closed-captioning into a visual or non-visual portion of the audio/video signal in synchronization."

Since neither Schulz nor Reid, alone or in combination, teach or suggest all of the limitations of claim 22, the Applicant respectfully requests reconsideration of the rejection.

Claims 23-24 depend directly or ultimately on claim 22. Consequently, claims 23-24 are believed patentable for the same reasons provided above.

In view of the foregoing amendments and remarks, this application is now believed to be in condition for allowance and early notice to that effect is earnestly solicited.

Respectfully submitted,
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